



END OF SESSION — SF 446 — ASSET FORFEITURE

Description: [Senate File 446](#) relates to asset forfeiture and includes a prohibition on civil asset forfeiture for property valued at less than \$5,000, increases the standard of proof required for asset forfeiture to clear and convincing evidence, requires a proportionality review with regard to property to be forfeited, and requires law enforcement agencies to retain certain records related to asset forfeiture.

Fiscal Impact: Senate File 446 will likely have a fiscal impact on all agencies that retain a portion of the proceeds from forfeiture, such as the Department of Justice (DOJ), local law enforcement, and county attorneys. Any forfeitures below \$5,000 would require a conviction for the forfeiture to be retained by the State. As a result, there may be fewer cash forfeiture and forfeiture proceeds retained by the DOJ and law enforcement agencies, although an estimate is indeterminable at this time. The increased burden of proof for forfeiture proceedings may also result in fewer cases filed and a reduction in the number of forfeiture orders issued.

Enactment Date: The Bill was approved by the General Assembly on April 10, 2017.

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